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09/058,170	04/10/1998	TERRY M. BLEIZEFFER	ST9-97-130/C	7179

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EXAMINER	
HAILU, TADESSE	

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/058,170	BLEIZEFFER ET AL.	
	Examiner	Art Unit	
	Tadesse Hailu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-13,16-25,28-37 and 40-82* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 11-13, 23-25, 35-37, 47-49, 51, 53, 55, 57, 58, 67-70, 79-82* is/are rejected.

7)☒ Claim(s) *4-10,16-22,28-34,40-46,50,52,54,56,59-66 and 71-78* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the Amendment submitted/entered on May 01, 2005.
2. The pending claims 1, 4-13, 16-25, 28-37, 40-48, and 49-82 are examined herein as follows.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 11-13, 23-25, 35-37 and 47-49, 51, 53, 55, 57, 58, 67-70, and 79-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benton et al. (USPN: *5,675,756)* hereinafter Benton in view of Paterson et al. (USPN: 6,069,629) hereinafter Paterson.

With regard to claims 1, 13, 25 and 37:

As per claims 1 (method), 13 (system), 25 (computer program), and 37 (computer readable medium); Benton teaches a method substantially as claimed. Benton discloses a method for leading a user through a program procedure on a computer to accomplish at least one of loading, installation,

migration. fallback, remigration, and updated tasks of a program as the technique of represents process graphic editing within an MCUI 300 for creating and modifying the system and application database 100, 130, respectively. The user 80 can direct the processor portion 50 in Fig. 2 to pull the process graphic editor software into the processor 50 for use by the user 8Q. Thus in Fig. 4 represents the processor 50 with the process graphic 52 running. The process graphic editor 52 allows the user to create, modify, and delete graphic display files 134. When the graphic display editor 52 is running, information within the system and application database 100, 130 can be accessed and changed(see column 7, lines 47-57),

Benton further teaches "*displaying a window to the user providing information regarding parameters of the program used by the program for its internal operation*" is taught by Benton as the technique of MCUI (Monitoring Control User Interface) 300 (see Fig. 2) in order to include the physical devices 20, 30, 40 within the application database. The physical devices 20, 30, 40 can be directly coupled to a process control device PCD 92 (see column 6, lines 16-24) wherein physical device 30 has several parameters 32, 34, 36, 38 associated with it (see column 6, lines 35-36), when the user enters point 136 for a multi-parameter physical device 30, the user only needs to select the pointgroup template 112 for the multi-parameter physical device...The point template 111 can be chosen from a point dialogue screen (see column 8, lines 14-22) wherein a user could create an on/off switch from graphical symbols

placed into a software by the designers in order for the user to create a graphical switch for monitoring and/or controlling the physical switch within the control structure (see column 2, lines 29-33).

Benton, however, does not clearly teach that the limitation of "*transferring the user from the window to a parameter input window associated with one of the parameters selected by the user to be set or changed, wherein the user provides information in the parameter input window to set or changes the value of the parameter, the parameter input window being the only location where the parameters need to be set or changed.*"

Paterson on the other hand teaches the limitation of transferring the user from the window to a parameter input window associated with one of the parameters selected by the user to be set or changed, wherein the user provides information in the parameter input window to set or changes the value of the parameter, the parameter input window being the only location where the parameters need to be set or changed as the technique of the diagram object 54 Fig. 3 may include state, function, modifier and links objects which are represented respectively by state nodes, function nodes, modifier icons within the diagram window. The objects 56-64, each defined respective windows (or panels) which are overlaid on a diagram window to present selected information regarding the modeled system, and to facilitate user interaction with the model (see column 4, lines 39-46 and Fig. 3), Fig. 23 shows a GUI 440, which includes a diagram window 442 in which the

simulation model 430 is displayed. The GUI 440 further comprises a first access panel 444, which includes parameter information and working values for parameters relating to the birth and death rates of the predators within the simulation model 430. The second access panel 446 is shown to include parameter identification and working values for parameters relating to starting population of both predators and prey within a simulation model 430 (see column 21, lines 6-15), and in order to accommodate the need to view and access a user-selected group of parameters within a simulation model, the present invention providing a mechanism by which a modeler can create group of parameters "aliases" within windows or panels that can be overlaid, or displayed along side, a diagram window and that are distinct from the diagram panel (see column 13, lines 29-35) a value for at least one of the object parameters is then inputted by a user via the access panel (see abstract).

It would have been obvious to one having ordinary skilled in the art at the time the invention was made to include the limitation of transferring the user from the window to a parameter input window associated with one of the parameters selected by the user to be set or changed, wherein the user provides information in the parameter input window to set or changes the value of the parameter, the parameter input window being the only location where the parameters need to be set or changed by Paterson for that of Benton's invention. By doing so, the system would be enhanced by providing

better edit tools in term of easy access panel which distinct from diagram window in order allowing user to edit, update and control desired parameter(s) based on user desired manner.

With regard to claims 57, 69, 81 and 82:

The remaining independent claims, while not necessary identical in scope, contain limitations similar to the above independent claims. In addition to the above independent claims, the language of claims 57, 69, 81 and 82 includes "*wherein said at least one of said loading, installation, migration, fallback, remigration, and update tasks relate to installing or updating the program within a context of an operating system.*" this limitation too is rendered by the teaching of Benton and Peterson. For example, as illustrated in Fig. 4 of Paterson, representation of the interaction between software illustrated in Fig. 3 and GUIs operation on various software platforms (see column 2 lines 58-40) and GUI (WINDOWS 98/NT)82 and GUI (HTML/JAVA) 84 (see Fig. 4) are disclosed.

With regard to claims 11, 23, 35, 47, 67 and 79:

As per claims 11 (method), 23 (system), 35 (computer program), and 47 (computer readable medium), Benton teaches the invention substantially as claimed. Benton, however, does not disclose the limitation of "*preventing the*

user from selecting to set or change a value of the parameter for at least one of the parameter." Paterson discloses the limitation of preventing the user from selecting to set or change a value of the parameter for at least one of the parameter as the technique of using button CANCEL to prevent user from set or change parameter (see Fig.5) and the baseline value is specified by the original builder of a simulation model in which the relevant parameter is utilized, and can not be modified directly by a user(see column 5 lines 49-52).

It would have been obvious to one having ordinary skilled in the art at the time the invention was made to include the limitation of preventing the user from selecting to set or change a value of the parameter for at least one of the parameter by Paterson for that of Benton's invention. By doing so, the system would be enhanced by providing security tools to system itself in order to insure the system work properly based on designer's specification.

With regard to claims 12, 24, 36, 48, 68 and 80:

As per claims 12 (method), 24 (system), 36 (computer program), and 48 (computer readable medium), the limitation of wherein "*a parameter must be modified*" is taught by Benton as the technique of represents process graphic editing within an MCUI 300 for creating and modifying the system and application database 100, 130, respectively. The user 80 can direct the processor portion 50 in Fig. 2 to pull the process graphic editor software into the processor 50 for use by the user 80. Thus in Fig. 4 represents the processor 50 with the process graphic 52 running. The process graphic editor

52 allows the user to create, modify, and delete graphic display files 134. When the graphic display editor 52 is running, information within the system and application database 100. 130 can be accessed and changed(see column 7, lines 47-57). These claims are therefore rejected for the reason as set forth above.

4. Claims 49, 51, 53, 55, 58, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benton et at. (USPN: *5,675,756)* hereinafter Benton in view of Paterson et al. (USPN: 6,069,629) hereinafter Paterson and further in view of Massaro et al. (USPN: 5,535,321) hereinafter Massaro.

With regard to claims 49, 51, 53, 55, 58, and 70:

Benton-Paterson disclose the invention substantially as claimed. Benton-Paterson, however, do not disclose the limitation of prior to the displaying a window to the user, the user is provided with at least two interaction path options, a first one of the interaction path option being a non-expert path and a second one of the interaction path option being an expert path.

Massaro on the other hand discloses the limitation of the user is provided with at least two interaction path options, a first one of the interaction path option being a non-expert path and a second one of the interaction path option being an expert path as the technique of assistance level window 26 is utilized, in accordance with the method and apparatus of the present invention, to permit a user to identify the current level of assistance, or

complexity specified for the function identified within function identifier a desired level of complexity for the function identified within function identifier 24(see column 3 line 64 to column 4 line 7 and also see Fig. 3) and multiple user interfaces are established for selected functions within a multiple function application. Each of the multiple user interfaces preferably has a different level of complexity. User profiles for selected users within the data processing system are then utilized to specify desired level of complexity for particular functions for each selected user (see abstract).

It would have been obvious to one having ordinary skilled in the art at the time the invention was made to pre-implement the limitation of the user is provided with at least two interaction path options, a first one of the interaction path option being a non-expert path and a second one of the interaction path option being an expert path by Massaro into that of Benton-Paterson's combined invention. By doing so, the system would be enhanced by supplying users with both expert and non-expert paths wherein user can select optional path based on user's skill level.

Response to Arguments

5. Applicant's arguments filed May 27, 2005 have been fully considered but they are not persuasive. In the Brief, "the Appellant asserts that program parameters are different from data upon which the program operates." The Brief further indicates that "the Appellants argue that Benson and Patterson teach how data used by a control or simulation program may be changed by a

user..." and the current Remarks section, the applicant argues that the applicant argues that the prior art of records do not teach "modification of parameters as used by the program for its internal operation".

In contrast to the applicant's alleged argument, the claims language does not read that the program parameters recited in the claim not to be a data, the claim simply states modification or parameters used by the program for its internal operation. As indicated in the Brief that the Appellants argue that Benson and Patterson teach how data used by a control or simulation program may be changed by a user..." and as affirmed by the Board, the prior art of records teach a method in a control program for permitting the user to modify data parameters associated with the control program. Thus, since the claim language, "modification of parameters ...", could be interpreted as modification of data parameters as used by the program for its internal operation, the prior art of record teach the argued limitation. Even assuming the claim recite the parameters are not data, Benton and Paterson's combined invention teach such parameters used by the program for its internal operation as recited in the invention. For example Benton and Peterson disclose assigning a value to the at least one parameter (i.e., variable) (Peterson, column 17, lines 15-54, column 18, lines 10-63). Benton and Paterson also disclose changing parameter as a set of object parameters of the simulation model are identified *for* inclusion within the access panel...A

value *for at* least one parameter of the set of object parameters is then received via the access panel (Peterson, column 2, lines 32-38).

The applicant also argues that the prior art of records do not teach "Installing **and** updating a program within the context of a particular operating system." (Emphasize added). In contrast to the applicants argument, the claim recite in alternative only "installing **or** updating ..." (emphasize added) as rejected above.

Allowable Subject Matter

6. Claims 50 (including its dependent claims 4-10), 52(including its dependent claims 16-22), 54 (including its dependent claims 28-34), 56 (including its dependent claims 40-46), and 59 (including its dependent claims 60-66), and 71 (including its dependent claims 72-78) are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior arts of record fail to anticipate or make obvious the claimed invention. Specially, the prior arts fail to teach, in combination with the remaining limitation of wherein prior to displaying a window to the user, a choice window is displayed to the user, wherein the user is provided with at least two interaction path options, a first one of the interaction path being a non-expert and a second one of the interaction being an expert path and

wherein, when the user has selected the non-expert path, the window is an information window.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and Figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as

potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Examiner Tadesse Hailu
Art Unit 2173 – Operator Interface
7/3/06

TADESSE HAILU
Patent Examiner